EXHIBIT 1

AFFIDAVIT OF DELIVERY

U.S. District Court EASTERN DISTRICT OF NORTH CAROLINA

Case Name: Williams v. AT&T Mobility, LLC Case Number: 5:19-cv-00475-BO

I, Samuel M. Downs III, a Private Process Server and Legal Courier, do hereby certify that on March 16th, 2022, at 3:35p.m., I personally delivered the order, status report, and docket text order in an envelope, addressed to Anexio Data Services, LLC c/o Tony Pompliano, CEO; to his residence located at 106 Birkhaven Dr., Cary, NC 27518. There was no one home at the time of delivery, so I placed the envelope in the mailbox.

I further certify that I am over the age of 21, not an attorney or a party to this action, and that I am not related by blood or marriage to a party in this action or to the person upon whom delivery is made.

> Samuel Murrow Downs III (919) 836-2210

Sworn to and subscribed before me

this 17^{+1} day of March 2022.

Notary Public

Notary Public Printed Name

My commission expires:

SAMUEL M. DOWNS II NOTARY PUBLIC WAKE COUNTY, N.C. My Commission Expires 08

AFFIDAVIT OF DELIVERY

U.S. District Court EASTERN DISTRICT OF NORTH CAROLINA

Case Name: Williams v. AT&T Mobility, LLC Case Number: 5:19-cv-00475-BO

I, Samuel M. Downs III, a Private Process Server and Legal Courier, do hereby certify that on March 16th, 2022, at 2:56p.m., I personally delivered the order, status report, and docket text order in an envelope addressed to Anexio Managed Services, LLC c/o Registered Agent Paracorp Incorporated; to their office located at 176 Mine Lake Court #100, Raleigh, NC 27615.

I further certify that I am over the age of 21, not an attorney or a party to this action, and that I am not related by blood or marriage to a party in this action or to the person upon whom delivery is made.

> Samuel Murrow Downs III (919) 836-2210

Sworn to and subscribed before me

this 17 day of March 2022.

Notary Public

My commission expires: ________

SAMUEL M. DOWNS II NOTARY PUBLIC WAKE COUNTY, N.C. My Commission Expires DE

Floyd, Brooke

From: Tony Pompliano <Tony@anexio.com>

To: Floyd, Brooke

Wednesday, March 16, 2022 5:15 PM Sent:

Subject: Read: Williams v AT&T - CONTEMPT HEARING TOMORROW

Your message

To:

Subject: Williams v AT&T - CONTEMPT HEARING TOMORROW

Sent: Wednesday, March 16, 2022 6:15:18 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, March 16, 2022 6:15:10 PM (UTC-05:00) Eastern Time (US & Canada).

Floyd, Brooke

Floyd, Brooke From:

Sent: Wednesday, March 16, 2022 2:06 PM

To: 'Tony Pompliano'; 'Jason Long'; 'ANEXIO Information' Cc: Dowdy, Joe; Stagg, Nancy; Breslin, Mike; Olinger, Sue **Subject:** Williams v AT&T - CONTEMPT HEARING TOMORROW **Attachments:** 2022-03-16 Letter to Anexio with 3-15-22 Order.pdf

Importance: High

Good afternoon - please see attached correspondence with an order entered by the court in this matter directing all parties to appear tomorrow, March 17, 2022, at 3:00 pm before Judge Boyle.

Please contact us to discuss this issue.



Brooke L. Floyd

Paralegal

Kilpatrick Townsend & Stockton LLP

2001 Ross Avenue | Suite 4400 | Dallas, TX 75201 office 214 922 7158 | cell 817 312 8291 | fax 214 922 7101

bfloyd@kilpatricktownsend.com | www.kilpatricktownsend.com | vCard





Suite 1400, 4208 Six Forks Road Raleigh, NC 27609 t 919 420 1700 f 919 420 1800

Joseph S. Dowdy, Partner direct dial 919 420 1718 direct fax 919 510 6120 JDowdy@kilpatricktownsend.com

March 16, 2022

Anexio Data Centers, LLC c/o Tony Pompliano, CEO 106 Birkhaven Dr. Cary, NC 27518

Via Hand Delivery

Anexio Managed Services, LLC c/o Registered Agent Paracorp Incorporated 176 Mine Lake Ct., #100 Raleigh, NC 27615

Via Hand Delivery

Via email to:

Jason Long (<u>ilong@anexio.com</u>)
Tony Pompliano (<u>tony@anexio.com</u>)
Anexio (<u>info@anexio.com</u>)

Re: WILLIAMS V. AT&T MOBILITY, LLC; CASE NUMBER: 5:19-CV-00475-BO

Order of Civil Contempt against Anexio entities

Dear Messers. Long and Pompliano:

Enclosed is an order entered by the Court yesterday scheduling a hearing on Anexio's continued failure to comply with the Court's October 12, 2021 order of civil contempt. The hearing will be held tomorrow, March 17, 2022, at 3:00 pm at the United States Courthouse at 310 New Bern Ave., Raleigh, North Carolina. I have also enclosed a copy of the status report referenced in the current order for your reference.

The hearing on March 17 is very serious, and I urge you strongly to contact me so that we can discuss the matter. At a minimum, I would urge you to attend the hearing and explain yourself to the Court, I believe the court is deeply concerned with the lack of a response in this matter.

Please do not hesitate to contact us with questions.

Warm regards,

Joseph S. Dowdy

Joseph J. Wondy

Enclosures

cc: Michael Breslin Nancy Stagg From:Notice_NCED@nced.uscourts.govSent:Tuesday, March 15, 2022 4:39 PMTo:Notice_NCED@nced.uscourts.gov

Subject: Activity in Case 5:19-cv-00475-BO Williams v. AT&T Mobility, LLC Set/Reset Hearings

CAUTION: External Email

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

EASTERN DISTRICT OF NORTH CAROLINA

Notice of Electronic Filing

The following transaction was entered on 3/15/2022 at 4:39 PM EDT and filed on 3/15/2022

Case Name: Williams v. AT&T Mobility, LLC

Case Number: 5:19-cv-00475-BO

Filer:

Document Number: No document attached

Docket Text:

**** Set Hearing: Contempt Hearing set for 3/17/2022 at 03:00 PM in Raleigh - 7th Floor - Courtroom 2 before District Judge Terrence W. Boyle. (Stouch, L.)

5:19-cv-00475-BO Notice has been electronically mailed to:

Joseph Samuel Dowdy JDowdy@kilpatricktownsend.com, bfloyd@kilpatricktownsend.com, joseph.s.dowdy@gmail.com, mbrady@kilpatricktownsend.com, solinger@kilpatricktownsend.com

Terence S. Reynolds treynolds@shumaker.com, epeeples@shumaker.com, evanderschaaf@shumaker.com, terence.reynolds@gmail.com

Lucas David Garber lgarber@shumaker.com, arussell@shumaker.com, lgriffin@shumaker.com

christopher.lavigne@withersworldwide.com, Joseph.Gallo@withersworldwide.com, Christopher N. LaVigne Lalindra.Sanichar@withersworldwide.com

Michael J. Breslin mbreslin@kilpatricktownsend.com

joseph.gallo@withersworldwide.com Joseph E. Gallo

awiley@kilpatricktownsend.com Adam P. Wiley

Martin J Auerbach martin.auerbach@withersworldwide.com

Nancy L. Stagg nstagg@kilpatricktownsend.com, mchapman@kilpatricktownsend.com

5:19-cv-00475-BO Notice has been delivered by other means to:

From:Notice_NCED@nced.uscourts.govSent:Tuesday, March 15, 2022 4:38 PMTo:Notice_NCED@nced.uscourts.gov

Subject: Activity in Case 5:19-cv-00475-BO Williams v. AT&T Mobility, LLC Order

CAUTION: External Email

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

EASTERN DISTRICT OF NORTH CAROLINA

Notice of Electronic Filing

The following transaction was entered on 3/15/2022 at 4:37 PM EDT and filed on 3/15/2022

Case Name: Williams v. AT&T Mobility, LLC

Case Number: 5:19-cv-00475-BO

Filer:

Document Number: No document attached

Docket Text:

ORDER - In light of the March 14, 2022, status update and this Court's order entered March 3, 2022, a hearing on the continued failure to comply with the Courts 12 October 2021 order or its order of civil contempt by Anexio will be held before the undersigned on March 17, 2022 at 3:00PM at the United States Courthouse at 310 New Bern Avenue, Raleigh, North Carolina. AT&T is DIRECTED to serve the Anexio entities with a copy of this text order by email and hand delivery via the same addresses as provided in [DE 106] and [DE 114]. Entered by District Judge Terrence W. Boyle on 3/15/2022. (Stouch, L.)

5:19-cv-00475-BO Notice has been electronically mailed to:

Joseph Samuel Dowdy JDowdy@kilpatricktownsend.com, bfloyd@kilpatricktownsend.com, joseph.s.dowdy@gmail.com, mbrady@kilpatricktownsend.com, solinger@kilpatricktownsend.com

treynolds@shumaker.com, epeeples@shumaker.com, evanderschaaf@shumaker.com, Terence S. Reynolds terence.reynolds@gmail.com

Lucas David Garber lgarber@shumaker.com, arussell@shumaker.com, lgriffin@shumaker.com

christopher.lavigne@withersworldwide.com, Joseph.Gallo@withersworldwide.com, Christopher N. LaVigne Lalindra.Sanichar@withersworldwide.com

mbreslin@kilpatricktownsend.com Michael J. Breslin

Joseph E. Gallo joseph.gallo@withersworldwide.com

Adam P. Wiley awiley@kilpatricktownsend.com

Martin J Auerbach martin.auerbach@withersworldwide.com

Nancy L. Stagg nstagg@kilpatricktownsend.com, mchapman@kilpatricktownsend.com

5:19-cv-00475-BO Notice has been delivered by other means to:

IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

JASON WILLIAMS,	
Plaintiff,	Case No. 5:19-cv-00475-BO
vs.	
AT&T MOBILITY LLC,	STATUS REPORT
Defendant.	

AT&T Mobility LLC ("AT&T"), through the undersigned counsel, and pursuant to this Court's March 3, 2022, Order [Dkt 113], respectfully files this status report regarding the Order of Civil Contempt concerning non-parties Anexio Data Centers, LLC and Anexio Managed Services, LLC (collectively, "Anexio"). AT&T specifically informs the Court of the following:

- 1. On March 3, 3033, this Court directed AT&T to file a second status report concerning Anexio's response, if any, to the Court's October 12, 2021 Order of Civil Contempt [Dkt 88].
- 2. AT&T served the March 3, 2022, Order on Anexio. See proof of service attached hereto as Exhibit A. For unknown reasons, Anexio's registered agent refused delivery of the March 3, 2022, Order on March 7, 2022, according to Federal Express.
- 3. Anexio has not responded to either the Order of Civil Contempt or the March 3, 2022, Order.

Respectfully submitted this the 14th day of March, 2022.

/s/ Nancy L. Stagg

Nancy L. Stagg (CA State Bar No. 157034) KILPATRICK TOWNSEND & STOCKTON LLP 12255 El Camino Real, Suite 250

San Diego, CA 92130 Phone: (858) 350-6156 Fax: (858) 350-6111

Email: nstagg@kilpatricktownsend.com

Michael J. Breslin (GA State Bar No. 142551) KILPATRICK TOWNSEND & STOCKTON LLP 1100 Peachtree St. NE, Suite 2800

Atlanta, GA 30309

Telephone: (404) 815-6500 Facsimile: (404) 815-6555

Email: mbreslin@kilpatricktownsend.com

Joseph S. Dowdy (N.C. State Bar No. 31941) KILPATRICK TOWNSEND & STOCKTON LLP 4208 Six Forks Road, Suite 1400

Raleigh, NC 27609

Telephone: (919) 420-1700 Facsimile: (919) 510-6120

Email: jdowdy@kilpatricktownsend.com

Counsel for Defendant AT&T Mobility LLC

CERTIFICATE OF SERVICE

I hereby certify that on date set out below, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

SHUMAKER LOOP & KENDRICK LLP

Terence S. Reynolds treynolds@shumaker.com Lucas D. Garber lgarber@shumaker.com 101 South Tyron Street

Suite 2200 Charlotte, North Carolina 28280

Local 83.1(d) Counsel for Plaintiff Jason Williams

WITHERS BERGMAN LLP

Joseph Gallo

Joseph.gallo@withersworldwide.com

Christopher LaVigne

christopher.lavigne@withersworldwide.com

Martin J. Auerbach

Martin.auerbach@withersworldwide.com

430 Park Avenue, 10th Floor

New York, New York 10022-3505

Counsel for Plaintiff Jason Williams

This the 14th day of March, 2022.

/s/ Nancy Stagg
Nancy L. Stagg

EXHIBIT A

From: Floyd, Brooke

Sent: Friday, March 4, 2022 11:17 AM

To: 'Tony Pompliano'; 'Jason Long'; 'ANEXIO Information' Cc: Dowdy, Joe; Stagg, Nancy; Breslin, Mike; Olinger, Sue

Subject: RE: Williams v AT&T - Order of Civil Contempt

Attachments: 2022-03-04 Letter to Anexio re Order.pdf; 2022-03-03 (Dkt 113) Order.PDF; 2022-03-01

(Dkt 112) Status Report.PDF

Good afternoon – please see attached letter from Mr. Dowdy and referenced attachments.

Brooke L. Floyd

Paralegal

Kilpatrick Townsend & Stockton LLP

2001 Ross Avenue | Suite 4400 | Dallas, TX 75201 office 214 922 7158 | cell 817 312 8291 | fax 214 922 7101

bfloyd@kilpatricktownsend.com | www.kilpatricktownsend.com | VCard

From: Floyd, Brooke

Sent: Friday, February 18, 2022 4:07 PM

To: Tony Pompliano <Tony@anexio.com>; Jason Long <JLong@anexio.com>; ANEXIO Information <Info@Anexio.com> Cc: Dowdy, Joe <JDowdy@kilpatricktownsend.com>; Stagg, Nancy <NStagg@kilpatricktownsend.com>; Breslin, Mike

<mbreslin@kilpatricktownsend.com>; Olinger, Sue <solinger@kilpatricktownsend.com>

Subject: Williams v AT&T - Order of Civil Contempt

Good afternoon – please see attached letter from Mr. Dowdy.



Brooke L. Floyd

Paralegal

Kilpatrick Townsend & Stockton LLP

2001 Ross Avenue | Suite 4400 | Dallas, TX 75201 office 214 922 7158 | cell 817 312 8291 | fax 214 922 7101 bfloyd@kilpatricktownsend.com | My Profile | vCard





Suite 1400, 4208 Six Forks Road Raleigh, NC 27609 t 919 420 1700 f 919 420 1800

Joseph S. Dowdy, Partner direct dial 919 420 1718 direct fax 919 510 6120 JDowdy@kilpatricktownsend.com

March 4, 2022

Anexio Data Centers, LLC c/o Tony Pompliano, CEO 106 Birkhaven Dr. Cary, NC 27518

Via Federal Express – Overnight Delivery

Anexio Managed Services, LLC c/o Registered Agent Paracorp Incorporated 176 Mine Lake Ct., #100 Raleigh, NC 27615

Via Federal Express – Overnight Delivery

Via email to:

Jason Long (<u>ilong@anexio.com</u>)
Tony Pompliano (<u>tony@anexio.com</u>)
Anexio (<u>info@anexio.com</u>)

Re: WILLIAMS V. AT&T MOBILITY, LLC; CASE NUMBER: 5:19-CV-00475-BO

Order of Civil Contempt against Anexio entities

Dear Messers. Long and Pompliano:

Enclosed is an order entered by the Court yesterday requesting an update by March 14, 2022 regarding the status of Anexio's compliance with the subpoenas and the recently filed order of civil contempt. The order finding Anexio Data Centers, LLC and Anexio Managed Services, LLC in civil contempt was previously sent to you last week via Federal Express, hand delivery and email. I've also enclosed the status report referenced in the current order for your reference.

As indicated in the enclosed order, if no response is received from you by March 14, 2022, a hearing will be held on March 15, 2022.

Please do not hesitate to contact us with questions.

Warm regards,

Joseph S. Dowdy

Joseph S. Wondy

Enclosures

cc: Michael Breslin Nancy Stagg

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:19-CV-475-BO

JASON WILLIAMS,)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
AT&T MOBILITY LLC,)	
Defendant.)	

The Court has reviewed AT&T Mobility's status report [DE 112] which demonstrates both that the Anexio entities (Anexio) have been served with the Court's order of civil contempt and that as of the filing of the status report Anexio had failed to respond to AT&T Mobility.

AT&T Mobility shall file a second status report on March 14, 2022, or following its receipt of a response to the order of contempt by Anexio, whichever is earlier. Should Anexio continue in its non-responsiveness, the Court will hold a hearing on the matter during its March 15, 2022, term at Raleigh, with a specific date and time to be set by separate notice.

SO ORDERED, this 3 day of March, 2022.

TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE

From: TrackingUpdates@fedex.com
Sent: Monday, March 7, 2022 10:10 AM

To: Dowdy, Joe

Subject: FedEx Shipment 270508381031: Your package is delayed.

CAUTION: External Email



Hi. Your package is delayed. It is scheduled to arrive on Mon, 03/07/2022 before 10:30am.

DELAYED

SCHEDULED DELIVERY

Mon, 03/07/2022 before 10:30am

Initially expected: Monday 03/07/2022



DELAY RALEIGH, NC

TRACKING NUMBER <u>270508381031</u>

FROM Kilpatrick Townsend & Stockton LLP

4208 Six Forks Road Suite 1400

Raleigh, NC, US, 27609

TO c/o Reg Agent Paracorp Incorporated

Anexio Data Centers, LLC

176 MINE LAKE CT

RALEIGH, NC, US, 27615

REFERENCE 0ATT19.1159127-11357

SHIPPER REFERENCE 0ATT19.1159127-11357

SHIP DATE Fri 3/04/2022 06:23 PM

DELIVERY LOCATION RALEIGH, NC

PACKAGING TYPE FedEx Envelope

ORIGIN Raleigh, NC, US, 27609

DESTINATION RALEIGH, NC, US, 27615

SPECIAL HANDLING Deliver Weekday

NSR

STANDARD TRANSIT Mon, 03/07/2022 by 10:30am

NUMBER OF PIECES 1

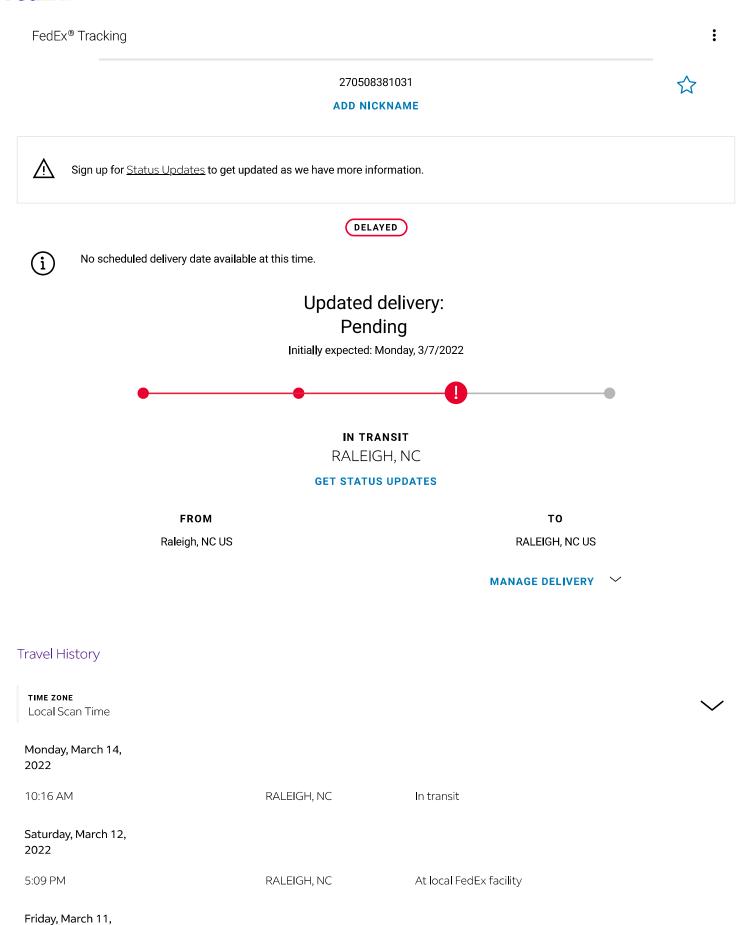
TOTAL SHIPMENT WEIGHT 0.50 LB

SERVICE TYPE FedEx Priority Overnight

3/14/22, 5:24 PM Detailed Tracking



2022



3/14/22, 5:24 PM Detailed Tracking

8:14 PM RALEIGH, NC At local FedEx facility

Thursday, March 10, 2022

7:25 PM RALEIGH, NC At local FedEx facility

Wednesday, March 9,

2022

8:24 PM RALEIGH, NC At local FedEx facility

Tuesday, March 8,

2022

8:13 PM RALEIGH, NC At local FedEx facility

Monday, March 7, 2022

3:26 PM RALEIGH, NC At local FedEx facility

10:00 AM RALEIGH, NC Delay

Shipment Refused by recipient.

8:05 AM RALEIGH, NC On FedEx vehicle for delivery

7:42 AM RALEIGH, NC Shipment arriving On-Time

7:25 AM RALEIGH, NC At local FedEx facility

Friday, March 4,

2022

9:34 PM RALEIGH, NC At local FedEx facility

6:38 PM RALEIGH, NC Shipment arriving On-Time

6:23 PM RALEIGH, NC Picked up

2:17 PM Shipment information sent to FedEx

Expand History 🗸

Shipment Facts

TRACKING NUMBER	SERVICE	WEIGHT
270508381031	FedEx Priority Overnight	0.5 lbs / 0.23 kgs

TOTAL PIECES	TOTAL SHIPMENT WEIGHT	TERMS
1	0.5 lbs / 0.23 kas	Shipper

SHIPPER REFERENCEPACKAGINGSPECIAL HANDLING SECTION0ATT19.1159127-11357FedEx EnvelopeDeliver Weekday, No Signature Required

SHIP DATE SHIPMENT-FACTS.COD-DETAIL STANDARD TRANSIT

3/4/22 ③ \$0.00 3/7/22 before 10:30 am ②

UPDATED DELIVERY

From: TrackingUpdates@fedex.com
Sent: Monday, March 7, 2022 12:03 PM

To: Floyd, Brooke

Subject: FedEx Shipment 270508266006: Your package has been delivered

CAUTION: External Email



Hi. Your package was delivered Mon, 03/07/2022 at 11:57am.



Delivered to 106 BIRKHAVEN DR, CARY, NC 27518

OBTAIN PROOF OF DELIVERY

Personal Message

PSShip eMail Notification

TRACKING NUMBER 270508266006

> FROM Kilpatrick Townsend & Stockton LLP

> > 4208 Six Forks Road Suite 1400

Raleigh, NC, US, 27609

TO c/o Tony Pompliano

Anexio Data Centers, LLC

106 BIRKHAVEN DR CARY, NC, US, 27518

REFERENCE 0ATT19.1159127-11357

SHIPPER REFERENCE 0ATT19.1159127-11357

> SHIP DATE Fri 3/04/2022 06:23 PM

DELIVERED TO Residence

PACKAGING TYPE FedEx Envelope

> ORIGIN Raleigh, NC, US, 27609

DESTINATION CARY, NC, US, 27518

SPECIAL HANDLING Deliver Weekday

Residential Delivery

NSR

NUMBER OF PIECES

TOTAL SHIPMENT WEIGHT 0.50 LB

> SERVICE TYPE FedEx Priority Overnight